

DETAILED ACTION

Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-5, drawn to an inorganic antibacterial agent comprising a high-valence silver.

Group II, claim(s) 6-13, drawn to a method for preparing a high-valence silver agent.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The common feature to all of the groups is viewed by the examiner to be an antibacterial agent comprising high-valence silver. Antibacterial compositions containing high-valence silver were known in the art at the time of the invention as shown by US Patent No. 6,436,420 to Antelman (col. 2, lines 14-29) therefore said compositions are **not** a special technical feature.

Election

3. This application contains claims directed to a species containing more than one component of the generic invention. These components are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

A: A solid carrier, as described in claim 2 (e.g. zeolite)

Applicant is required, in reply to this action, to elect a specific compound found within the above species or a specific combination of compounds to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected components, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional components which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected component. MPEP § 809.02(a).

4. The claims are deemed to correspond to the species listed above in the following manner:
All claims are generic to a solid carrier.

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: All of the solid carriers listed have different structures and will function differently with the high-valent silver.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke E. Karpinski whose telephone number is 571-270-3501. The examiner can normally be reached on Monday-Thursday 9-4 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors, Ardin H. Marschel or Cecilia Tsang can be reached on 571-272-0718 571-272-0562 respectively. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Application/Control Number: 10/578,532

Page 5

Art Unit: 1654

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